

January 17, 2013

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**VIA FEDERAL EXPRESS**

Office of the Executive Secretary  
National Labor Relations Board  
1099 14th Street, N.W.  
Washington, DC 20570-0001

**Re: Michels Corporation**  
**Case No. 30-CA-081206**

Dear Executive Secretary:

We represent Michels Corporation (“Michels” or the “Company”) and hereby respond to Regional Director Gottschalk’s January 11, 2013 request that the Board publish its unpublished Order dated December 19, 2012. The Company opposes this request.

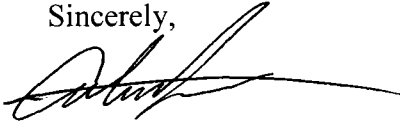
In support of his request, without any explanation, the Regional Director simply asserts in conclusory fashion that the Board’s unpublished Order is “noteworthy.” We agree with the Regional Director to the extent that he views the Board’s Order as a departure from the manner in which the Board has traditionally applied *Independent Stave*. However, actually noteworthy is the Board’s conscious decision not to publish the Order presumably out of respect for the stated wishes of the Union, Michels, and the alleged discriminatee that the terms of their settlement not be made public. Indeed, in its Order, the Board encouraged the parties to engage in further settlement discussions that did not preclude a confidentiality provision with teeth.

Had the Board felt that its application of *Independent Stave* was so novel that it needed to publish the Order as some kind of “precedential guidance”, it would have published the Order. It is also noteworthy that Counsel for the Acting General Counsel has taken the position that the Board’s unpublished Order is not an appealable “Final Order” within the meaning of Section 10(f) of the Act. While we disagree with that position, it further illustrates why publication of the Board’s unpublished Order is not appropriate at this time.

General Counsel  
January 17, 2013  
Page 2

The Company has discussed its opposition to the Regional Director's request with the Union and the Union does not oppose the Company's position. For these reasons, we respectfully request that the Regional Director's request be denied.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan O. Levine', with a long horizontal flourish extending to the right.

Jonathan O. Levine

cc: Keilli A. Taffora, Esq.  
Pasquale A. Fioretto, Esq.  
Renee Medved, Counsel for Acting General Counsel  
Irving Gottschalk, Director – Region 30

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